

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
January 7, 2014**

Members Present:

Diana Doutre
Lyle Holmgren
Jeff Reese
Byron Wood
Roger Fridal, Mayor
Shawn Warnke, City Manager
Linsey Nessen, Deputy Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the January 7, 2014 City Council Workshop to order at 6:02 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Deputy Recorder Linsey Nessen, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Councilmember Deakin and Recorder Hess were excused. Also in attendance: Bret Rohde, newly elected Councilmember.

1. Review of agenda items on the 7:00 p.m. Council Meeting:

The Council reviewed the January 7, 2014 Agenda with the following items being discussed in more detail:

November Warrant Register – The Council discussed various payments that were made in November including payments to Custom Application Service for lawn care services, Rush Truck Center for a new truck with plow, and The Leader check for \$599 which includes payment for the Christmas advertisement.

The Council also discussed winter road care and the increased odor from the Waste Water Treatment Plant on Sunday night. Director Fulgham explained that the increased odor was probably due to the blowers being off in order to try to thicken the solids. This doesn't happen very often but is sometimes necessary in order to meet the "Paint Filter Test" required in order to haul solids out of the Treatment Plant. The increased odor occurs once the blowers are turned back on to restart the aeration process. Councilmember Wood commented that the City needs to work on the odor situation. Other Councilmembers agreed. Director Fulgham responded that he has an engineer putting together a cost estimate for remedying this situation. The estimate will be brought before the Council once it is completed. Councilmember Wood commented that everyone in the City would be thrilled if the odor problem could be solved.

City Council Assignments – Mayor Fridal informed the Council that he had made a few adjustments to the City Council Assignments for the coming year. Councilmember Dautre offered to help Councilmember elect Rohde with his Public Health assignment.

Resolution No. 14-01 - amending Section XVI: Benefits of the Personnel Policies – Manager Warnke stated that Human Resources Clerk, Linsey, Nessen helped draft the policies in conjunction with the City's insurance broker, GBS.

There are some decisions that the Council needs to make.

The City has a current policy that provides for consolidated insurance coverage when both husband and wife work for the City. That policy now conflicts with the Affordable Care Act (ACA) as both employees are eligible for insurance coverage. There is what is called a margin of error. Anyone who works over 30 hours per week is eligible for health care with the exception that ACA gives a 5% margin of error for full time employees or five employees, whichever is greater. If the 5% margin of error is exceeded, the City may be subject to penalty. If the City continues with the current policy of not offering health insurance to both the husband and wife who work for the City, that would count against the margin of error. The City has one employee who would be eligible.

Another thing the Council needs to consider is the premium amount the City would pay for people who qualify for health insurance under the ACA. The ACA and the proposed City Policy allows for the opportunity and requirement to go through a process of measuring the attendance of part time employees to insure that they never reach above thirty hours, but there is the possibility with variable employees, such as fire-fighters and seasonal employees, that they could reach eligibility status even though the intent is for them not to be eligible. If someone did become eligible, ACA requires that the premium amount not be greater than 9.5% of the household. The premium amount that the City provides is far below that threshold. There are some consequences for providing benefits as it relates to the Utah State Retirement System (USRS), but in this case, the City can match the greater amount (90%) of insurance premiums for employees who become eligible and not have to enroll them in the USRS. The Council needs to decide what premium amount they would like to set.

Manager Warnke asked the Council to give the Staff some direction on how they would like the above two items to be handled.

Councilmember Wood asked if the City has ever tracked the Ambulance and Fire Department to see how many there might be that could go over the thirty hours. Ms. Nessen said that she has been tracking all employees for one year. An instance where an employee could go over would be when the Fire Department has a standby at Proctor and Gamble and they are working eighteen hour shifts. They have gotten close, but, so far, no one has gone over the thirty hours.

Manager Warnke added that the pay periods have recently been changed, the City is now tracking on the bi-weekly pay period for the Fire Department. Ms. Nessen will plug the hours into an analyzer which will keep track of who is eligible or who is getting close to becoming eligible.

Manager Warnke stated that the other issue that needs to be considered would be to decide how much of the premium the City wants to pay if an employee becomes eligible for health care coverage. The policy is written such that the employees who thereafter qualify for health care coverage by virtue of ACA have the same insurance premiums paid by the City as the full time employees. The Council needs to direct the Staff if they want to keep it that way or have it re-written.

Councilmember Rohde asked if there is any reason why a City employee would want to leave the City offered plan and obtain insurance through the exchange. Manager Warnke responded that the Staff has been contemplating looking into the exchange and giving everyone a set amount to go out to the exchange, but right now, the City is offering a traditional plan. Ms. Nessen commented that if the City goes through the exchange, she will have forty or fifty plans that she will have to answer questions about instead of one.

Manager Warnke stated that in the definition section of the Personnel Policy the Staff needs to clarify what the margin of error is: that it is 5% of the full time employees.

Resolution No. 14-02 - Public Notice of 2014 Annual Meeting Schedule – Councilmember Reese stated that he likes the change to one meeting in April and September to give the Council and Staff the opportunity to attend the League of Cities and Town meetings.

Resolution No. 14-03 - Heritage & Arts Grant Agreement for wall murals – Manager Warnke said that through the Main Street Planning Process, one of the things they highlighted that the City is doing right is wall murals. The City is fortunate to have a local artist who has the talent to paint wall murals. The cost for a wall mural is typically around \$5,000, depending upon the level of detail, plus paint and other supplies. The Staff submitted an application for a grant and was awarded a \$1,600 grant to go towards wall murals. The City would have the responsibility of the balance of the cost.

There are several walls that have been identified based upon the artist's recommendations. Cinder block works really well. Ultimately it will be up to the Council to decide the actual location and subject of a wall mural. The Council budgeted funds in the downtown RDA for this purpose.

Councilmember Rohde asked if the reason for requiring subdued colors was so as to not distract the attention of drivers. Manager Warnke said that it could be. The subdued colors have typically been used downtown. If the Council wants to go a different direction, they certainly can. Manager Warnke's thought was that a lot of color could be a distraction. It was discussed that what has been done so far ties into the community and that bright colors would fade.

Resolution No. 14-04 - amending the City's subdivision development agreement – Manager Warnke stated that this Resolution would amend the Template Subdivision Development Agreement to make it clear that those Development Agreements are going to be recorded to run with the land, using the same official name that is used on the plat so it is tied to the plat, and will be identifiable by a title researcher. The template language for the owner dedication acknowledgement is now codified in the City Land Use Code and it is recommended that this language be removed from the Resolution.

Resolution No. 14-05 – Healthy Community Award Program – Councilmember Doutre noted that the application items are quite extensive. Manager Warnke explained that the idea is not that the City would do all of those items. Rather, it is a menu of possible policies and projects. It is a voluntary program. If the Council feels promoting health through the community is important and is a legitimate governmental function and interest, then this is a program that could help accomplish that.

Manager Warnke stated that he spoke with David Watkins from the Bear River Health Department and asked about the criteria listed in the application and whether the City could augment it and identify other policies, projects or outcomes. Mr. Watkins said that would be acceptable. Mr. Watkins plans on being to the meeting this evening.

Manager Warnke contemplates that the Councilmember assigned to Public Health would look at and suggest possible policies and projects to work towards. Councilmember Rohde said that he thinks this is a great program and the Council should do anything they can to promote healthy living styles. Manager Warnke added that the Council would have the final approval authority before any action is taken on any policy or project.

Advise and Consent – Tourism Tax Advisory Board (TTAB) and Community Impact Board (CIB) Grants – Manager Warnke stated that the opportunity to apply for the TTAB Grant ends in February. It is a great grant in that it can be fairly generous with not a lot of compliance requirements. It is money that is generated off of the restaurant and rental car tax. The City has been successful in getting TTAB Grants in the recent past. The Splash Pad was a \$15K Grant contributed by the TTAB Board, and the Christmas Light Display was started years ago with a TTAB Grant. Part of the criteria is that the project would generate more tax and help the tourism related industry.

Manager Warnke said he spoke with a staff member at the Box Elder County Tourism Office. She encouraged the City to apply for multiple projects. It is her opinion that the TTAB Board looks at each project on its own merit. Some potential projects that the City has identified are updating the sign copy on the billboards on the Interstate along with wall murals, funding for some events throughout the summer (Director Christensen is looking into this), and advertising for the Christmas Light Display in order to get a large draw.

The CIB Grant revenues are generated from oil leases off Federal land. Box Elder is not a County that has a lot of Federal land leases, but the Community Impact Board will grant CIB Grants for planning pretty liberally even to those Counties who don't generate oil lease funds. A CIB Grant is where the City got \$20K for the Main Street planning effort. CIB Grants can be applied for quarterly and require a match. If the Council is okay with it, he will take the opportunity to apply for some additional planning grants from CIB.

Appointing someone to serve on the Box Elder Mosquito Abatement District Board - Mayor Fridal stated that a couple of months ago the Council came up with the name of someone to serve on the Mosquito Abatement Board. Since then, it was discovered that the City has to notice the opening for people to apply for the position. If no one applies for the position, the suggested name could still be used.

The Council moved into closed session at 6:43 p.m.

2. ***Closed Session for strategy session to discuss pending or reasonably imminent litigation***

No ordinance, resolution, rule, regulation, contract or appointment was made during the closed session.

The Council returned to open session at 7:00 p.m.

The meeting adjourned at 7:00 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the January 7, 2014 City Council Meeting to order at 7:05 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Wood, and Councilmember Elect Rohde, City Manager Shawn Warnke, Deputy Recorder Linsey Nessen, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Councilmember Deakin and Recorder Hess were excused.

1. **Opening Ceremony:**

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by newly elected Councilmember Bret Rohde and the Pledge of Allegiance was led by Councilmember Wood.

2. **Introduction of guests:** Mayor Fridal welcomed the Boy Scouts and all others who were present. There were three Scouts and two leaders from Troop 331.

3. **Oath Of Office for new Councilmember – Bret Rohde**

The Oath of Office was administered to Mr. Rohde by Deputy Recorder Nessen.

4. Approval of Agenda:

Motion by Councilmember Holmgren to approve the agenda of January 7, 2014. Motion seconded by Councilmember Dautre. Vote: Councilmember Dautre – aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde – aye, and Councilmember Wood - aye. Motion approved.

5. Approval of minutes – November 19, 2013 and December 3, 2013:

Mayor Fridal asked if there were any question on the minutes. There were no comments.

Motion by Councilmember Reese to approve the minutes of November 19, 2013 and December 3, 2013. Motion seconded by Councilmember Wood. Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde – aye, and Councilmember Wood - aye. Motion approved.

6. Public comments: Comments limited to three minutes:

John Kitch asked the Council to do something about the snow removal saying that he has talked to no one this year who is happy with the way Tremonton has handled the snow removal. The Thursday before Christmas, Mr. Kitch's wife fell on an ice ridge and broke her wrist while putting the garbage can out. Mr. Kitch contended that the snow had not been scooped and piled correctly causing the ridge. He stated that he would be willing to pay more each month to provide the extra money so the snow could be removed correctly.

Councilmember Wood commented that this has been an unusual year. He has people come clear the snow at work and at home, still, his whole back yard at work and his driveway at home is an ice skating rink. The ice is just barely starting to come off his driveway.

Mr. Kitch said that he realizes that, but, outside of Tremont Street, the streets weren't even scooped. The west side of his street was scooped, but not the east side. Councilmember Reese noted that when the City crew pushes the snow on the streets, people complain because a ridge is made across their driveway. They can't clean every driveway. Councilmember Wood said that the Council is always sorry to hear when someone gets hurt.

7. New Council Business:

a. Discussion and consideration of approving the November 2013 Warrant Register.

Motion by Councilmember Wood to approve the November 2013 Warrant Register. Motion seconded by Councilmember Reese. Vote: Councilmember Dautre - aye Councilmember Holmgren - aye, Councilmember Reese – aye. Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of approving the November 2013 Financial Statement.

Motion by Councilmember Doutre to approve the November 2013 Financial Statement. Motion seconded by Councilmember Holmgren. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved

- c. Discussion and consideration of “advise and consent of City Council Assignments”

Motion by Councilmember Reese to approve the City Council Assignments as stated. Motion seconded by Councilmember Holmgren. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

Mayor Fridal commented that after reviewing the Council Assignments with Manager Warnke, he made some adjustments, deleting some obsolete assignments and creating some new ones. He asked the Councilmembers to call another Councilmember if they are ever unable to do their assignment. Councilmember Rohde asked Councilmember Doutre if she would help him with some of the Public Health issues that were discussed earlier with the Health Department. She agreed to do so.

Mayor Fridal told Councilmember Doutre that a new Historic Preservation position was created. Though the City does not have a Historic Preservation Committee, the Council should be thinking about establishing a Commission. Also, the assignment of Veteran’s Memorial has been created and fixing the names on the plaque at the Memorial may be more complicated than he first thought.

- d. Discussion and consideration of adopting Resolution No. 14-01 amending Section XVI: Benefits of the Tremonton City Personnel Policies and Procedures Manual

Councilmember Rohde stated that he was reading something about dental and vision and asked if that was an earlier revision. Manager Warnke responded that there are certain triggers that require the City to enroll employees into the Retirement System. One is “normally benefits provided” which includes such benefits as any paid time off or health insurance. Recently, because of Federal healthcare reform, the URS changed the way they define “normally benefits provided” to exclude benefits which are required by law. Since the Affordable Care Act (ACA) in some cases requires health insurance to be provided by law, it is not considered “normally benefits provided,” but the ACA does not require by law that vision and dental insurance be provided. That is why the City has to be careful and separate those benefits out. Full-time employees will receive dental and vision, but those who are just enrolled under the requirement of the ACA wouldn’t.

Motion by Councilmember Holmgren to adopt Resolution No. 14-01. Motion

seconded by Councilmember Doutre. Manager Warnke asked the Council if the intent is to keep the current policy of coordinated healthcare coverage for spouses in the City's Policy though it conflicted with the Affordable Care Act (ACA). Councilmember Holmgren said that was his understanding. Manager Warnke then asked if the Council would allow the definition of "Margin of Error" to be changed to be a little more specific. Manager Warnke also asked for clarification on whether it is the Council's intent to have premiums paid for employees who become eligible for health care at 90%. **Councilmember Holmgren restated the Motion to adopt Resolution No. 14-01: if a husband and wife are employed by the City at the same time, only one of them will receive the benefit of the insurance (i.e. keep the current policy in place), eligible employee premiums will be paid at 90%, and give the City Manager the allowance to re-define "Margin of Error" to be more specific.** The re-stated motion was seconded by Councilmember Doutre. Vote: Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration of adopting Resolution No. 14-02 giving public notice of its 2014 Annual Meeting Schedule

Motion by Councilmember Reese to adopt Resolution No. 14-02. Motion seconded by Councilmember Wood. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved

- f. Discussion and consideration of approving Resolution No. 14-03 adopting a State of Utah Grant Agreement between Utah Department of Heritage & Arts and Tremonton City for wall murals

Manager Warnke informed the public that the City applied for and received a \$1,600 grant from the Utah Department of Heritage & Arts to do a wall mural. The Staff is working on selecting the wall, working with the participating property owner, and selecting the subject matter of the mural.

Motion by Councilmember Rohde to adopt Resolution No. 14-03. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Wood - aye. Motion approved.

- g. Discussion and consideration of adopting Resolution No. 14-04 repealing Resolution No. 10-12 and an amended template subdivision development agreement, along with a process for approving said agreement and deleting the Owner's Dedication and Acknowledgment from the City's Resolutions

Motion by Councilmember Doutre to adopt Resolution No. 14-04 repealing Resolution No. 10-12. Motion seconded by Councilmember Holmgren. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration of adopting Resolution No. 14-05 authorizing the City to participate in the Bear River Health Department's Healthy Community Award Program

Manager Warnke introduced Mr. David Watkins with the Bear River Health Department and explained that during the Work Session the Council had briefly talked about the program discussing that it was voluntary and that there are opportunities to select some other projects or outcomes that the City would like to see. He asked Mr. Watkins to touch on how the program is supported by the Health Department and what resources the Health Department can provide.

Mr. Watkins informed the Council that the Healthy Community Award Program was initially a State-wide program established to help communities identify criteria that would help improve public health. For the last several years Bear River Health Department has been involved in this program. Mr. Watkins said he spoke with Manager Warnke last year. At that time, the State was still running the program, but they have run out of funding. The Bear River Health Department likes the program so much that they are still trying to help communities reach some of these criteria.

Communities can identify any criteria related to health. There are five or six areas in the application where all the policies and outcomes are located. That is what the Health Department would like to focus on. The Health Department would support any City projects that relate to those areas. Mr. Watkins said that he can provide his time to help with policies. He has a list of sample policies and criteria that other communities have adopted.

Councilmember Rohde asked Mr. Watkins where he is located. Mr. Watkins responded that he is out of the Logan office. Councilmember Rohde asked for Mr. Watkins' contact information and told him that he would be working closely with him on this Program. Councilmember Rohde said that he thinks there are some great ideas in the material provided that should be promoted as a City.

Motion by Councilmember Reese to adopt Resolution No. 14-05. Motion seconded by Councilmember Rohde. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

9. Comments:

- a. Administration/City Manager Advice and Consent.

- 1) Discussion of applying for Tourism Tax Advisory Board Grants and the Community Impact Board Grant

Manager Warnke told the Council that he would like to propose a potential early start for the January 21st meeting - beginning at 5:30 p.m. – depending upon whether the agenda is as full as he thinks it is going to be. He should know in the next few days. If the Council is available to come early, he and Mayor Fridal have discussed providing dinner for everyone.

- 2) Discussion of the process for appointing an individual to serve on the Box Elder Mosquito Abatement District Board

Mayor Fridal stated that the Council talked about the Mosquito Abatement appointment in the Work Session. The Staff needs to get the opening noticed so people can apply to be the City's representative on the Board.

b. Council Reports:

Councilmember Rohde told everyone that he is excited to work with all of the Council. He has been coming to meetings for six months and feels that everyone has handled themselves well. He is excited for the opportunity to help out Tremonton City.

Councilmember Rohde mentioned that having monitors for the Council and public is a great idea. Councilmember Rohde said that he was given Councilmember Deakin's iPad and it is so outdated it can't even be updated anymore. He suggested that at some point the City look at replacing and upgrading, perhaps to a different technology. Councilmember Rohde said that he has some ideas on how that could be done fairly inexpensively. An agenda item will be set up to discuss this.

Councilmember Wood welcomed Councilmember Rohde to the Council.

Councilmember Reese expressed his welcome to Councilmember Rohde.

Councilmember Dautre also welcomed Councilmember Rohde.

Councilmember Dautre said she was so impressed with the Christmas lights this year. They were beautiful. Also, she wondered if anyone went to the Pickleball Tournament that Tremonton hosted. There were three hundred people in attendance from five states. It looked so fun and costs a very minimal amount of money to participate. It is her hope that when the tennis courts are re-done that they can be striped for pickleball because it is a great sport. It is a cross between tennis and ping pong. She encouraged the community to get involved with pickleball.

Councilmember Holmgren joined the others in welcoming Councilmember Rohde and said it was going to be exciting working with him.

Councilmember Holmgren mentioned that the museum reports that the building is paid for. They are excited about that. It is "the little museum that could."

Mayor Fridal said that he also welcomes Councilmember Rohde. He will be an asset to the City Council. Tremonton already has a great City Council and Councilmember Rohde will be another great member.

Mayor Fridal agreed with Councilmember Dautre about the Christmas Light Display. It was great last year and it was terrific this year. It will take some on-going effort to make it a little better each year or people will lose interest. It has

turned out exceptionally well.

Mayor Fridal said that he feels the road crew has done a terrific job pushing snow as a general rule. The City streets have been good and the City has guys who have worked hard to keep the citizens of Tremonton safe. He appreciates what they do.

10. Adjournment.

Motion by Councilmember Holmgren to adjourn the meeting. Motion seconded by Councilmember Wood. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 7:38 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Norene Rawlings.

Dated this _____ day of _____, 2014.

Darlene S. Hess, Recorder